

ARKANSAS COURT OF APPEALS  
NOT DESIGNATED FOR PUBLICATION  
WENDELL L. GRIFFEN, JUDGE

DIVISION I

CACR05-1026

DARRIN DEWAYNE BULLOCK  
APPELLANT

May 24, 2006  
AN APPEAL FROM HOT SPRING  
COUNTY CIRCUIT COURT  
[CR04-255-2]

V.

HON. PHILLIP H. SHIRRON, JUDGE

STATE OF ARKANSAS  
APPELLEE

APPEAL DISMISSED

Appellant Darrin Bullock entered a conditional guilty plea to possession of a controlled substance with intent to deliver and possession of cocaine within one thousand feet of a school. He appeals from the denial of his motion to suppress evidence obtained during the search of his vehicle, arguing that the officers had no reasonable cause to search the vehicle. We dismiss the appeal because appellant does not appeal from the judgment entered pursuant to the guilty plea.

Appellant's conditional guilty plea was entered on May 4, 2005. A judgment and conviction order reflecting the conditional guilty plea was entered on May 16, 2005. Appellant filed his notice of appeal on May 27, 2005, which stated that he appealed from the May 4 order.

We cannot reach the merits of appellant's arguments concerning the denial of his motion to suppress. Instead, we must dismiss the instant appeal because appellant failed to appeal from the judgment and conviction order that reflected his conditional plea. Arkansas

Rule of Criminal Procedure 24.3(b) reserves the right of a defendant who enters a conditional guilty plea to appeal the adverse determination of a pretrial motion to suppress, if the defendant appeals from the *judgment entered pursuant to* the conditional guilty plea. Here, however, appellant does not appeal from the judgment and conviction order encompassing his plea agreement. Rather, he appeals from “the Judgment entered on the 4th Day of May 2005.” That is, appellant appeals from the plea agreement itself, and not from the May 16, 2005 judgment and conviction order.

As such, pursuant to Rule 24.3, appellant’s failure to appeal from the judgment and conviction order deprives this court of jurisdiction to hear his appeal. *See McDonald v. State*, 354 Ark. 680, 124 S.W.3d 438 (2003); *Webb v. State*, \_\_\_ Ark. App. \_\_\_, \_\_\_ S.W.3d \_\_\_ (Feb. 15, 2006). The State does not challenge the propriety of the appeal, but as the issue is one of jurisdiction, we may raise it *sua sponte*. *Webb, supra*.

Appeal dismissed.

GLADWIN and NEAL, JJ., agree.